

8 July 2025

[REDACTED]
[REDACTED]
[REDACTED]

By email: [REDACTED]

COMPLAINT UNDER COMMERCIAL RADIO AUSTRALIA CODES OF PRACTICE (Code)

Broadcast	Ben Fordham Live on 10 July 2024
Station	2GB
Code Provision	None specified

Dear [REDACTED]

I refer to your complaint made via the Station's automated complaints system on 1 April 2025, concerning a broadcast aired nine months prior.

Invalid complaint

While the Station takes complaints under the Code very seriously, you have stated in previous correspondence with Nine that '*I was not listening at the time*' to the Broadcast.

While you may refer your complaint to ACMA if you are not satisfied with this response, it may decline to investigate given that the complaint was not validly due to its non-compliance with clause 10.4, which requires that a Code complaint must be:

10.4.1. about a matter covered by this Code;

10.4.2. about a matter that the complainant **has heard broadcast** by the Licensee in Australia; and

10.4.3. received **within 30 days** of the relevant broadcast. (emphases added).

The Code prescribes at clauses 10.8 and 10.9 respectively that complaints that do not fulfil the requirements set out in 10.4 will not be treated as Code Complaints; and that complaints which relate to any content that was not accessed via a broadcast by the Licensee are not valid Code Complaints.

Nevertheless, the Station values feedback regarding its programming and your complaint has been brought to our attention. Consequently, the Station is able to provide you with the following response which we hope resolves your complaint.

The Broadcast

The Presenter quoted two paragraphs from an article published in the Sydney Morning Herald's CBD column on the same day, a copy of which is available at the following url:

<https://www.smh.com.au/cbd/tony-abbott-recruited-to-help-stop-sydney-harbour-bridge-cycleway-20240709-p5jsac.html>

After quoting from the article the Presenter added his own opinion, transcribed below:

I would suggest that it's a good idea to finally have a bike ramp linking the Harbour Bridge so that people can enjoy Sydney Harbour. So I don't know whether Tony Abbott's against it or whether he's just making phone calls and trying to find out some more information. But it's about time that this thing happened, and locals have been saying it will affect the heritage of the Bridge, or it'll cast a shadow over Milsons Point. I mean, come on. I think there's a case of 'not in my backyard' when it comes to this one.

Your complaint

You have complained that the Presenter *'made incorrect and misleading comments about the Milsons Point Community Group (MPCG) and a meeting with Government later that day'*. [sic]

While your complaint does not identify which provision of the Code you believe was breached in the 10 July 2024 Broadcast, this response addresses your assertion of incorrectness by considering the provision which requires accuracy in current affairs programs.

The Code

Clause 3.2.1 requires that *'reasonable efforts are used to ensure that **factual material** in current affairs programs is reasonably supportable as being accurate'*. (emphasis added) Your complaint contends that comments about the Milsons Point Community Group (MPCG) and a meeting with government later that day were *'incorrect and misleading'*.

The Presenter neither identified the MPCG, nor referred to a meeting with government later that day, nor referred to anyone *'for years running a campaign against the cycle ramp project'* as your complaint asserts.

A quote which the Presenter read out from the newspaper article referred to *'a rather vocal group of residents with too much time on their hands'* and to *'Joan Street, a spokesperson of sorts for the campaign against the ramp'*.

The Station believes the descriptions lifted from the newspaper '*rather vocal*' and '*spokesperson of sorts*' are reasonably supportable as being accurate. The Station does not consider that the further descriptions '*too much time on their hands*' and '*a case of not in my backyard*' constitute factual material.

It follows that the Station is of the view that the Broadcast complied with the requirements of clause 3.2.1. Consequently, the Station is satisfied that in all the circumstances the Broadcast did not disclose a breach of the Code.

We would like to thank you for taking the time to provide feedback on the Station's programming and hope you continue to do so. You can write to the Station at any time, or engage directly with 2GB by calling 131 873 or by clicking the feedback icon on www.2gb.com.

Yours sincerely

Complaints Response Team

Nine Radio